

DISTRICT OF COLUMBIA SCHOOLS
***Blackman/Jones* ACTION PLAN**
JUNE 2006

The goals of achieving and maintaining timely assessments and IEPs, reducing the backlog of unimplemented Hearing Officer Determinations (HOD) and Settlement Agreements (SA) and increasing timely compliance with current HOD/SA are integral components in meeting our obligations under the Consent Decree. The District Government has committed to supplementing the DCPS special education budget to support implementation of the performance measures contained in the Action Plan below. DCPS recognizes that meeting the performance measures will have a direct impact on its ability to exit the *Blackman/Jones* class action law suit and at the same time acknowledges that general continued improvement in DCPS special education is necessary to sustain the improvements resulting from successfully implementing the terms of the Action Plan. While outside the scope of the instant litigation, the Superintendent, in his Declaration of Education and Master Education Plan, has committed to providing a “continuum of model special education programs” to further improvements in the delivery of special education instruction.

I. Timely Assessments and Timely IEPs

A. Baseline Data for Assessments: For SY 2003-2004, DCPS was completing 35% of all assessments within prescribed timelines. By SY04-05, DCPS was completing 46% of all assessments within prescribed timelines. This percentage remained essentially the same for FY SY05-06.

Performance Measures for Assessments:

- Increase to 65-75% all assessments completed within timelines by June 30, 2007
- Increase to 85-95% all assessments completed within timelines by June 30, 2008

B. Baseline Data for IEPs: For SY 2003-2004, 46% of all IEPs were timely. By June 2005, 47% of IEPs were held within timelines. By June 2006, 62% of IEPs were held within timelines.

Performance Measures for IEPs:

- 65-75% of students with disabilities will have a current IEP by June 30, 2007
- 90-100% of students with disabilities will have a current IEP by June 30, 2008

C. Intervention Description for DC Public Schools, public programs:

- Assign related service staff to schools based on identification of schools with high number of overdue assessments. Hire six (6) intervention teams to complete overdue assessments. DCPS has identified a contractor for this purpose and the recruitment process is underway with teams expected this summer. Teams will consist of the following related service providers/staff:
 - One (1) psychologist
 - One (1) speech/language pathologist
 - One (1) social worker
 - One (1) occupational therapist
 - Half (.5) physical therapist
 - One (1) special education team leader
- Year one teams will focus on completing out of date assessments and ensuring that all assessment are current. Once assessments are current, school staff will be responsible for maintaining compliance.
- Staff development will be provided to intervention teams and school based special education staff on a regular basis.
- Summer assessment teams will be assigned to address needs arising during the summer.
- Intervention teams will serve as support to schools and may eventually become centralized multi-disciplinary teams with the authority to recommend special education placements out of the neighborhood school, as necessary.
- Additional speech therapists and occupational therapists will be assigned to schools to reduce the caseload and enable staff to maintain current assessments.

D. Intervention Description for Non Public Division:

- Hire one (1) Intervention Team to be assigned to address overdue assessments. The teams will consist of the same types of related service providers/staff as the public school intervention teams listed above.
- DCPS has hired three (3) additional placement specialists to reduce caseloads and enable nonpublic staff to attend IEP meetings at nonpublic programs. Additional vacancies should be filled this summer.
- Hire additional administrative assistants to support data entry and IEP scheduling functions.

E. Intervention Description for Early Childhood students

- Hire one (1) Intervention Team to be assigned to assess children transitioning into DCPS from Part C, Infant and Toddler Services and other early intervention programs. Team members are described above.

III. Implementation of HOD's and SA's

A: Baseline Data: As of March 1, 2006, there were 3,691 open HODs and SAs, of which 2521 were overdue. The timeliness rate has varied throughout the school year, from 22%-53%, and has been greatly affected by changes in the data system and staff vacancies that are addressed in the comments above and below.

B. Compliance Measures: The timeliness rate will be calculated based upon the equation and timelines established in the consent decree as follows:

- By June 30, 2007, the "Initial" backlog of overdue HODs and SAs as of March 1, 2006, will be eliminated, in addition:
- By June 30, 2007, 50% of all cases issued on or after March 1, 2006 will be implemented timely and no case will be more than 180 days overdue.
- By June 30, 2008, 65% of all cases issued on or after July 1, 2007 will be implemented timely and no case will be more than 150 days overdue.
- By June 30, 2009, 80% of all cases issued on or after June 1, 2008 will be implemented timely and no case will be more than 120 days overdue.
- By June 30, 2010, 90% of all cases issued on or after June 1, 2009 will be implemented timely and no case will be more than 90 days overdue.

C. Intervention Description

The Office of Special Education (OSE) will identify schools within all divisions that carry high due process caseloads. The high volume schools will be targeted for increased on-site visits and coordinated actions to effectuate compliance.

- As part of continuing staff development, DCPS will include, on a regular basis, information on the Consent Decree and DCPS' obligations under the Consent Decree. This information will be disseminated to all local school staff and Central Office staff and administrators involved in any manner in providing special education services, implementing IEPs, implementing HODs/SAs, and/or attending Resolution Meetings. The importance of implementing HODs/SAs in a timely manner and thereby achieving compliance with the Consent Decree will be stressed. In addition, focused staff development will be provided, on an annual basis, to those principals and other local school designees responsible for direct line oversight of implementing HODs/SAs.

- OSE disseminates HOD/SA compliance information to all DCPS public schools and nonpublic schools' placement specialists/monitors.
- From July 2005 to June 30, 2006, local schools have been trained and supported in the implementation and utilization of the Encore database.
- DCPS has developed a Disposition Unit, consisting of a Director and six (6) additional disposition specialists (for a total of nine), whose responsibilities are outlined below:
 - Organize and manage the Dispute Resolution Committee (DRC) that reviews all cases and develops a resolution plan.
 - Negotiate settlements with parents/attorneys under the guidance of DRC.
 - Provide consultation to schools and non public personnel in response to Resolution meetings.
- DCPS has hired four (4) additional compliance specialists to focus on overdue HODs/SAs. This additional staff will provide technical assistance and support to local schools and nonpublic unit staff to effectuate compliance. The compliance specialists will also review SETS-Encore databases and school files to ensure accuracy of current status regarding open HOD/SA cases (i.e., close out older "incorporated" cases and cases where compliance action has occurred but corresponding data has not been entered), following established protocols. In addition, two (2) additional administrative staff will be hired.
- Beginning in January 2007, a monthly electronic compliance newsletter will be disseminated to local schools highlighting issues of concern.
- On an ongoing/monthly basis, which began on June 30, 2005, staff identify recurring issues hindering case closures and target efforts to achieve compliance.
- On a quarterly basis, beginning in September 2006, staff will draft formal "Open HODs/SAs" memorandum to DCPS principals for dissemination by the Office of the Superintendent.
- DCPS has developed a compensatory education unit, which consists of five (5) staff to manage the awarding of compensatory education to the class per the Compensatory Education Catalog. The responsibilities of the unit are outlined below:
 - Be a single point of contact for award requests
 - Coordinate purchases with DCPS Office of Contracts and Acquisitions
 - Process award requests from receipt to delivery
 - Maintain database to record and track awards
 - Research rebuttable presumptions (pursuant to the Consent Decree), if applicable
 - Collect, analyze and inform the Director of Special Education on the trends and issues
 - Assist MDT in developing compensatory education plans directed by HOD/SA